

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONNA JEAN RATH,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social
Security,

Defendant.

No. CV-05-0093-MWL

ORDER FOR STIPULATED REMAND

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 20). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 6).

After considering the stipulation, it is hereby ORDERED that the above-captioned case be remanded for further administrative proceedings. Upon remand, the Administrative Law Judge ("ALJ") will further evaluate the nature and severity of Plaintiff's mental impairment(s) and its effects on her ability to perform work-related activities and, in doing so, will consult with a

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1 mental health medical expert. The ALJ will make findings
2 regarding the severity of Plaintiff's limitations in each of the
3 functional areas specified in 20 C.F.R. §§ 404.1520a, 416.920a.
4 The ALJ will further consider the findings and opinions of Frank
5 Rosekrans, Ph.D. The ALJ will develop the record for any evidence
6 showing that Plaintiff was diagnosed with, and treated with
7 counseling for, bipolar disorder. The ALJ will further evaluate
8 Plaintiff's subjective complaints in accordance with Social
9 Security Ruling 96-7p and pertinent case law. In doing so, the
10 ALJ will discuss Plaintiff's medication usage, its effectiveness
11 and side effects, and her daily activities; and consider a
12 psychological component to Plaintiff's complaints of pain. The
13 ALJ will consider whether Plaintiff's work as a receptionist and
14 general clerk, and assembler produced sufficient earnings to
15 constitute substantial gainful activity and, therefore, past
16 relevant work. The ALJ will further evaluate Plaintiff's ability
17 to return to past relevant work, and, if necessary and
18 appropriate, other work. The ALJ will ascertain Plaintiff's date
19 last insured. In addition, the ALJ will consolidate Plaintiff's
20 new applications with those being remanded and issue a new
21 decision.

22 The Court reverses the Commissioner's decision under sentence
23 four of 42 U.S.C. 405(g) with a remand of the cause to the
24 Commissioner for further proceedings. *See Melkonyan v. Sullivan*,
25 501 U.S. 89 (1991).

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S/ Michael W. Leavitt
MICHAEL W. LEAVITT
UNITED STATE MAGISTRATE JUDGE